

March 17, 1983

LB 188

SENATOR WAGNER: Mr. Speaker and members, I do appreciate Senator Beutler's consideration there to withdraw his concern. But let me go back a little bit and tell you what we have done in the meantime because you was talking back in February is when this action kind of slowed the bill up, and Senator Vickers and Senator Beutler had concerns about the definition including a farmer in the definition of a merchant which was somewhat broad in their opinion and I would concur with that. Since that time we have had some meetings. We have sat down to try to tighten this bill up. I think we have tightened it very well. There has been several drafts of it and so we are down to the amendment that is in the Journal right now. Essentially what this does is we are talking about a green sale between a merchant, a buyer and seller, and the buyer and the seller is not a merchant in this case here. And it is also talking about an oral contract and there are certain terms in there that talks about the reasonable length of time of writing. It sets up five criteria that must be taken care of in order for this oral contract to become effective, and the last portion to it talks about a ten day notification. I would move the adoption of this amendment.

SENATOR V. JOHNSON: Thank you, Senator Wagner. Senator Vickers, you are now recognized.

SENATOR VICKERS: Mr. President and members, I rise to support the Wagner amendment. As Senator Wagner pointed out, the original drafting of LB 188 did cause me a considerable amount of concern with the inclusion of a farmer as a merchant. The intention that Senator Wagner was trying to get at was much narrower than that and after some consultation with Senator Wagner and some meetings with the various people involved, the language that Senator Wagner is now offering to you as an amendment to LB 188 meets with my approval and I would simply urge the body's adoption of it. I think it is a good amendment and would commend Senator Wagner for working out the problems with the bill as I had it as originally drafted. Thank you, Mr. President.

SENATOR V. JOHNSON: Thank you, Senator Vickers. Senator Beutler, you are recognized.

SENATOR BEUTLER: Mr. Speaker, I just wanted to ditto Senator Vickers. I think Senator Wagner has really done the farmers of the state a service in very craftily drawing out this new amendment, and I think everybody is going to be pleased with it. Thank you.